NOTIFICATION.

No. 4401—L.A., Bangalore, dated 8--10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following report of the Select Committee on the City of Bangalore Improvement (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) BILL, 1951.

(*Presented on 8th October 1951.*)

We, the Members of the Select Committee appointed to consider the City of Bangalore Improvement (Amendment) Bill,1951, have examined the Bill in detail. We have also had the benefit of the opinion of the Bangalore Corporation on the provisions of the Bill offered to us by three representatives of the Corporation including the Mayor who met us and discussed the several provisions of the Bill with us. We have the honour to submit the following report :—

Clause 2.—We recommend that in items (i),(ii) and (iii) of this clause, the words 'shall be substituted" may be omitted and the following words inserted at the end of the clause :

" shall be substituted wherever they occur."

Clause 3.—We recommend that in item (1) of the proposed section 2, for the words " prescribed by ", the words " payable under " may be substituted, in item (5) for the words " State Government ", the words " Government of Mysore " may be substituted, item (9) may be omitted and items (10) and (11) renumbered as items (9) and (10).

Clause 7.—We are of the opinion that the Chairman should have power to incur expenditure up to Rs. 3,000 as in the case of the Commissioner of the Corporation and that the Board should have power to incur expenditure beyond Rs. 3,000 but up to a limit of Rs. 10,000, and that in respect of expenditure exceeding Rs. 10,000 the approval of the Government should be obtained. We also feel that within these limits power should be available to these authorities to call for tenders and sanction

estimates. We accordingly recommend that clause 7 may be recast as follows :—

"7. For section 10 of the said Act, the following section shall be substituted, namely :—

10. (1) The Chairman may, on behalf of the Board, sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at their next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract or other instrument."

Clause 9.—We think that the delegation by the Chairman of any of his powers and duties under this Act could be provided for by rules under section 42 of the Act, and we accordingly recommend that clause 9 may be deleted and suitable provision made under section 42 and the other clauses of the Bill suitably renumbered.

Clause 9. (Original clause 10).—We recommend that sub-section (2) of the proposed section 14 may be recast as follows:—

"(2) The Board may also from time to time make any new or additional improvement schemes,

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Corporation if the Corporation places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise."

We recommend that in sub-section (3) of the proposed section 14, for the words "any other scheme", the words "any improvement scheme" may be substituted.

Clause 12. (*Original clause 13*).—We consider it desirable that alterations in the scheme should require the previous sanction of the Government if the difference between the scheme as sanctioned and the scheme as altered is more than 5 per cent of the sanctioned cost, instead of a fixed sum of Rs. 10,000 as suggested in the Bill. We accordingly recommend that in clause 12, for the words "ten thousand rupees" the words "five per cent" may be substituted.

Clause 13. (*Original clause 14*).—We recommend that the betterment fee should be one-third of the increase in value and not one-half. We accordingly recommend that in sub-section (2) of the proposed section 18-A, for the word "one-half", the word "one-third" may be substituted.

We consider that the period of 3 months proposed as the period within which an appeal should be filed before the District Judge against the award of the arbitrator is too long and should be reduced to one month and further that such appeals may lie not only against the decisions, but also against any orders of an arbitrator.

We accordingly recommend that in sub-section (4) of the proposed section 18-C, for the words "three months", the words "one month", and for the words "the decision" the words "any order or decision" may be substituted.

We recommend that in the proposed sub-section (1) of section 18-E, for the words "communicate his award", the words "communicate the substance of his award in writing" may be substituted.

We feel that the rate of interest on betterment fees which is outstanding payment should not be 6 per cent but only 4 per cent. We accordingly recommend that in the proposed sections 18-F, 18-G and 18-H, for the

words "six per cent" the words "four per cent" may be substituted.

We consider it unnecessary to have a provision like sub-section (5) of the proposed section 18-G. We recommend that it may be omitted.

We consider it desirable that where the Board takes up any improvement work under the proposed section 18-K, the Corporation should be consulted if the works relate to an area within the jurisdiction of the Corporation. We accordingly recommend that to the proposed section 18-K, the following proviso may be added :—

"Provided that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore."

By the amendment to the proposed section 14, (Clause 9) recommended by us, the Board will take up new or additional improvement schemes on the recommendations of the Corporation, if the Corporation places the necessary funds for carrying out such schemes at the disposal of the Board. In such a case we think it equitable to provide for the payment of the betterment fees to the Corporation. We accordingly recommend that after the proposed section 18-K, a new section may be added as Section 18-L as follows :—

"18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Corporation and for which the Corporation has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the municipal fund of the Corporation."

Clause 15. (*Original clause 16*).—We consider it desirable that the Corporation should be consulted before powers and functions of the Corporation or Standing Committees or the Commissioner are delegated to the Board or its authorities. We accordingly recommend that to sub-section (1) of the proposed section 21, the following proviso may be added :—

"Provided that the Corporation shall be consulted before making such declaration if such area or part thereof lies within the limits of the City of Bangalore."

New clause (*Clause 16*).—Since section 21 of the Act is proposed to be amended by clause 15, we consider it unnecessary to retain the existing section 23-A which was inserted in the Act by an Amendment Act passed in 1945. We accordingly recommend that a new clause may be added to the Bill as clause 16 as follows :—

"16. Section 23-A of the Act shall be omitted."

Clause 17.—We are of the opinion that in areas that lie within the local limits of the Corporation private lay-outs or extensions should be sanctioned by the Board only with the concurrence of the Corporation and in case of difference of opinion, the matter should be referred to the Government whose decision thereon should be final. We accordingly recommend that to sub-section (1) of the proposed section 25, the following proviso may be added :—

"Provided that where any such extension or lay-out lies within the local limits of the Corporation, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Corporation :

Provided further that where the Corporation and the Board do not agree, on the formation of or the conditions relating to the extension or lay-out, the matter shall be referred to the Government whose decision thereon shall be final."

Clause 19.—We think it is unnecessary to provide for the setting up of a tribunal and we are of the opinion that the provisions of the Land Acquisition Act are adequate to meet the purposes in view. We accordingly recommend that clause 19 may be deleted.

New clause.—Since the Bill provides for the levy of a betterment fee and for the payment of the betterment fee and interest thereon to the Board, we consider it desirable to amend section 30 of the Act so that these sums may also form part of the City of Bangalore Improvement Fund. We accordingly recommend that a new clause may be added as follows after clause 18 as clause 19 :—

"19. In sub-section (2 of section 30 of the said Act, the following item shall be added at the end, namely :—

(*c*) Subject to the provisions of section 18-L; betterment fee and other sums due and paid to or ecovered by the Board under the provisions of this Act."

Clause 24.—We recommend that for clause 24, the following clause may be substituted :—

"24. In section 37 of the said Act, for the word "Comptroller", the words "Officer or authority appointed by the Government for this purpose" and for the word "President", the word "Mayor" shall be substituted."

New clause.—As we have suggested that clause 9 may be deleted and section 42 suitably amended, we recommend that section 42 be amended by adding a clause after clause 25 as clause 26, as follows, the subsequent clauses being suitably renumbered :—

"26. In section 42 of the said Act,—

(i) the word "and" at the end of clause (*a*) shall be omitted ;

(ii) clause (*b*) shall be relettered as clause (*c*) and before clause (*c*) as so relettered, the following clause shall be inserted, namely,—

(*b*) for the delegation by the Chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed or vested in him by sections 9, 12, 32, 36, 49 and 50 and for the conditions or limitations subject to which such delegation may be made; and"

Clause 28. (Original clause 27).—We consider it unnecessary to have a provision like the proposed section 49-A as this matter is covered by the Police Act. We accordingly recommend that clause 28 may be omitted.

Clause 29.—As section 51 is intended to protect the Board and its Officers against belated suits we recommend that for clause 29; the following clause may be substituted :—

"29. In sub-section (1) of section 51 of the said Act, for the words "against any person" the words "against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board," and for the words "such person", the words "the Board" shall be substituted."

The Bill was published in the *Mysore Gazette*, Extraordinary dated 14th March 1951. In our opinion the Bill has not been so altered as to require circulation.

H. C. DASAPPA (*Chairman*).
R. CHENNIGARAMIAH.
MAHMOOD SHARIFF.
B. M. SHAMANNA GOWDA.
V. M. MASCARENHAS.
D. M SIDDIAH.
K. PUTTASWAMY.
M. N. MAHANTA DEVARU.
W. H. HANUMANTHAPPA.

BANGALORE,
17th Sept. 1951.

Sri V. S. Narayana Rao did not attend any of the meetings of the Committee as he ceased to be a Member of the Legislative Assembly.

[AS AMENDED BY THE SELECT COMMITTEE].

(Words sidelined or underlined indicate the amendments suggested by the committee; asterisks indicate omissions.)

THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Bangalore Improvement Act, 1945.

WHEREAS it is expedient further to amend the City of Bangalore Improvement Act, 1945, (Mysore Act V of 1945), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the City of Bangalore Improvement (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. In the City of Bangalore Improvement Act, 1945, (hereinafter referred to as the said Act), Substitution of certain expressions for expressions occurring in Mysore Act V of 1945.

(i) for the words and figure "Mysore City Municipalities Act, 1933," the words and figure "City of Bangalore Municipal Corporation Act, 1949,"; * * *

(ii) for the words "Official Gazette", the words "*Mysore Gazette*"; * * * and

(iii) for the words "Municipal Council", the word "Corporation" * * *

shall be substituted wherever they occur.

3. For section 2 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 2 of Mysore Act V of 1945.

"2. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(1) 'betterment fee' means the fee payable under section 18-A, in respect of an increase in the value

of land resulting from the execution of an improvement scheme;

(2) 'Board' means the Board of trustees for the improvement of the City of Bangalore constituted under sections 3 and 4;

(3) 'Chairman' means the Chairman of the Board;

(4) 'Corporation' means the Corporation of the City of Bangalore constituted under the City of Bangalore Municipal Corporation Act, 1949;

(5) 'Government' means the Government of Mysore;

(6) 'land' has the same meaning as in clause (*c*) of section 3 of the Mysore Land Acquisition Act, 1894;

(7) 'prescribed' means prescribed by rules made under this Act;

(8) 'street' includes any highway and any causeway, bridge, viaduct, arch, road, lane, foot-way, square, court, alley or passage, whether a thoroughfare or not;

(9) * * * * * * * * * *

(9) 'trustee' means a member of the Board;

(10) All other words and expressions shall have the meanings respectively assigned to them by the City of Bangalore Municipal Corporation Act, 1949."

Amendment of section 4 of Mysore Act V of 1945.

4. In section 4 of the said Act, for the words "Municipal Councillors of the City", the words "Councillors of the Corporation" shall be substituted.

Amendment of section 8 of Mysore Act V of 1945.

5. In clause (*g*) of sub-section (1) of section 8 of the said Act, for the words "Municipal Councillor," the words "Councillor of the Corporation" shall be substituted.

Amendment of section 9 of Mysore Act V of 1945.

6. In sub-section (3) of section 9 of the said Act, after the words "as it thinks fit", the words "and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire" shall be inserted.

7. For section 10 of the said Act, the following section shall be substituted, namely :— Powers of different authorities.

"10. (1) The Chairman may, on behalf of the Board, sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board, other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract or other instrument."

8. After clause (3) of section 12 of the said Act, the following clause shall be inserted, namely : Amendment of section 12 of Mysore Act V of 1945.

"(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;"

9. * * * *

9. For section 14 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 14 of Mysore Act V of 1945.

"14. (1) The Board may, subject to the control of the Government, Power of Board to undertake works and incur expenditure for improvement, etc.

(*a*) draw up detailed schemes (hereinafter referred to as 'improvement scheme') for the improvement or expansion or both of the areas to which this Act applies;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also from time to time make any new or additional improvement schemes,

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Corporation if the Corporation places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise.

(3) Notwithstanding anything to the contrary contained in this Act, or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any improvement scheme or work and execute it subject to such terms and conditions as may be specified by the Government."

Amendment of section 15 of Mysore Act V of 1945.

10. In sub-clause (*c*) of clause (1) of section 15 of the said Act, the words " and lighting ", shall be omitted.

Amendment of section 16 of Mysore Act V of 1945.

11. In section 16 of the said Act,

(1) in sub-section (1), for the words " land proposed to be acquired ", the words " land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee " shall be substituted; and for the word " President," the word " Mayor " shall be substituted.

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) During the thirty days next following the day on which such notification is published in the *Mysore Gazette*, the Board shall serve a notice on every person whose name appears in the assessment list of the Corporation or the municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on

any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice stating whether the person, so served dissents or not to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent."

Amendment of section 18 of Mysore Act V of 1945.

12. In clause (*b*) of sub-section (2) of section 18 of the said Act, for the letters and figure "Rs. 2,500", the words "five per cent" shall be substituted.

Insertion of new sections 18–A, 18–B, 18–C, 18–D, 18–E, 18–F, 18–G, 18–H, 18–I, 18–J, 18–K and 18–L in Mysore Act V of 1945.

13. After section 18 of the said Act, the following sections shall be inserted, namely :—

Payment of betterment fee.

"18-A. (1) When, by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-third of such increase in value.

Assessment of betterment fee by the Board.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

18-C. (1) If the Government are satisfied after such inquiry, as they think fit, that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award including the finding on costs under sub-section (3) of section 18-E if any may, within one month from the date of the communication thereof, appeal to the District Judge, Bangalore Division, whether the case arises within or outside the limits of the City, and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

18-E. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate the substance of his award in writing to the parties concerned :

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date.

Agreement to make payment of betterment fee a charge on land.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1), be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at four per cent per annum upto the date of such payment.

(5) * * *

Recovery of money payable in pursuance of section 18-B 18-C or 18-G.

18-H. All money payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realisation at the rate of four per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the City of Bangalore Municipal Corporation Act, 1949, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Board to appoint persons for enforcement of processes for recovery of dues.

18-I. The Board may direct by what authority any powers or duties incident under the City of Bangalore Municipal Corporation Act, 1949, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Agreement of payment not to bar acquisition under a fresh declaration.

18-J. If any land, in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Power of Board to take up works for further improvement

18-K. Notwithstanding anything contained in any other provision of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area ;

Provided that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore.

The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the Board and approved by the Government in carrying out such works may be recovered by a pro-rata levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act.

Crediting betterment fee collected to the funds of the Corporation in certain cases.

18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Corporation and for which the Corporation has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the municipal fund of the Corporation."

Amendment of section 20 of Mysore Act V of 1945.

14. In section 20 of the said Act, for the words "President" and "Municipal drain"; the words "Mayor" and "Corporation drain" shall respectively be substituted.

Substitution of new section for section 21 of Mysore Act V of 1945.

15. For section 21 of the said Act, the following section shall be substituted, namely :—

Board and Chairman to exercise powers and functions under Mysore Act LXIX of 1949.

"21. (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification,

(i) the powers and functions of the Corporation or a standing committee thereof under the City of Bangalore Municipal Corporation Act, 1949, shall be exercised and discharged by the Board ; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act, shall be exercised and discharged by the Chairman :

Provided that the Corporation shall be consulted before making such declaration, if such area or part thereof lies within the limits of the City of Bangalore.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation or any standing committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be."

16. Section 23-A of the Act shall be omitted. Omission of Section 23-A.

17. For section 25 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 25 of Mysore Act V of 1945.

"25. (1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify : Forming of new extensions or lay-outs or making new private streets.

Provided that where any such extension or lay-out lies within the local limits of the Corporation, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Corporation :

Provided further that where the Corporation and the Board do not agree, on the formation of or the conditions relating to the extension or lay-out the matter shall be referred to the Government whose decision thereon shall be final.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars :—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces ;

(*b*) the intended level, direction and width of the streets ;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets ;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall either sanction the forming of the extension or lay-out or making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water supply mains, and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made, for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board,

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open;

(iv) if the lay-out in the opinion of the Board cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street until orders have been passed by the Board after the receipt of such information :

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers

necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2), or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1), or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable, on conviction, to a fine which may extend to one thousand rupees."

18. After section 25 of the said Act, the following sections shall be inserted, namely— Insertion of new sections 25-A and 25-B in Mysore Act V of 1945.

"25-A. (1) If any person forms an extension or lay-out or makes any street referred to in section 25 or puts up any building without or otherwise than in conformity with the orders of the Board under section 25, the Chairman may, whether or not the offender be prosecuted under this Act, by notice— Alteration or demolition of extension, lay-out or street.

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served, fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

Power of Chairman to order work to be carried out or to carry it out himself in default.

25-B. (1) The Chairman may,

(*a*) if any person who applies for permission under section 25 and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street, does not so carry it out ; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman ;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work which, in his opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue."

19 * * * *

Amendment of Section 30 of Mysore Act V of 1945.

19. In sub-section (2) of section 30 of the said Act, the following item shall be added at the end, namely :—

"(*c*) Subject to the provisions of section 18-L, betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act."

20. In section 32 of the said Act, for the words "May" and "July", the words "February" and "April" shall respectively be substituted. Amendment of section 32 of Mysore Act V of 1945.

21. For the last sentence of section 34 of the said Act, the sentence "A copy of the estimate as approved by the Government shall be sent to the Mayor of the Corporation", shall be substituted. Amendment of section 34 of Mysore Act V of 1945.

22. In section 35 of the said Act, for the word "President", the word "Mayor" shall be substituted. Amendment of section 35 of Mysore Act V of 1945.

23. In section 36 of the said Act, for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted. Amendment of section 36 of Mysore Act V of 1945.

24. In section 37 of the said Act, for the word "Comptroller," the words "Officer or authority appointed by the Government for this purpose" and for the word "President", the word "Mayor" shall be substituted. Amendment of section 37 of Mysore Act V of 1945.

25. In sub-section (1) of section 39 of the said Act, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted, and the following proviso shall be added namely :— Amendment of section 39 of Mysore Act V of 1945.

"Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officer belongs."

26. In section 42 of the said Act,— Amendment of section 42 of Mysore Act V of 1945.

(i) the word "and" at the end of clause (*a*) shall be omitted;

(ii) clause (*b*) shall be relettered as clause (*c*) and before clause (*c*) as so relettered, the following clause shall be inserted, namely,—

"(*b*) for the delegation by the Chairman of any of his powers, duties or functions under this Act or

any rule made thereunder except those conferred by or imposed or vested in him by sections 9, 12, 32, 36, 49 and 50 and for the conditions or limitations subject to which such delegation may be made ; and "

Amendment of section 43 of Mysore Act V of 1945.

27. In sub-section (1) of section 43 of the said Act after clause (*e*), the following clause shall be inserted namely :—

"(*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon ;"

28. * * * * *

Amendment of section 50 of Mysore Act V of 1945.

28. In section 50 of the said Act, for the words "All sums due", the words, figure and letter "Save as otherwise provided in section 18-H all sums due" shall be substituted.

Amendment of section 51 of Mysore Act V of 1945.

29. In sub-section (1) of section 51 of the said Act, for the words "against any person" the words "against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board," and for the words "such person", the words "the Board" shall be substituted.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

NOTIFICATION.

No. 4402—L.A. Bangalore, dated 8—10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following Report of the Select Committee on the Mysore Civil Courts (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,

Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE CIVIL COURTS (AMENDMENT) BILL, 1951.

(Presented on 8th October 1951.)

We, the members of the Select Committee to which the Mysore Civil Courts (Amendment) Bill, 1951 was referred, have considered the several clauses of the Bill and have the honour to submit the following report :—

Clause 3.—From the first of April 1951 the Central Code of Civil Procedure has been extended to Mysore. Section 100 of that Code provides for second appeals. We consider it more appropriate to effect the amendments in the law proposed by clause 3 by an amendment to that Code. We accordingly recommend that clause 3 may be omitted from this Bill. We also recommend that the Government may take early action to bring forward a Bill for this purpose to amend the Code of Civil Procedure.

Clause 4 (original clause 5).—We recommend that in view of the omission of clause 3, the words and figures "and 15" and "and 3," may be omitted.

The Bill was published in the *Mysore Gazette* Extraordinary dated the 14th March 1951. In our